

**CS FOR HOUSE BILL NO. 323(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/7/08

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to furnishing or delivering alcoholic beverages to persons under 21  
2 years of age; relating to shipping, sending, transporting, or bringing alcohol to a local  
3 option area and providing alcohol to others in the local option area, including penalties  
4 for violations; relating to reports of alcohol violations by minors; relating to certain  
5 persons who lend money on secondhand articles; relating to arson and criminally  
6 negligent burning; relating to defenses for the detention of persons suspected of  
7 committing concealment of merchandise or theft; relating to controlled substances;  
8 relating to the determination of time of a conviction; relating to issuance of search  
9 warrants; relating to persons found incompetent to stand trial concerning criminal  
10 conduct; relating to probation for certain offenses; relating to restitution for fish and  
11 game violations; relating to aggravating factors at sentencing; relating to post-conviction  
12 relief proceedings; relating to criminal extradition authority of the governor; removing

1 the statutory bar to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of  
 2 Criminal Procedure, relating to execution of warrants, and Rule 35.1, Alaska Rules of  
 3 Criminal Procedure; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 04.16.051(a) is amended to read:

6 (a) A person may not furnish or deliver an alcoholic beverage to a person  
 7 under the age of 21 years. **This subsection does not apply to a licensee or an agent**  
 8 **or employee of a licensee while working on licensed premises.**

9 \* **Sec. 2.** AS 04.16.052 is amended to read:

10 **Sec. 04.16.052. Furnishing of alcoholic beverages to persons under the age**  
 11 **of 21 by licensees.** A licensee or an agent or employee of the licensee may not with  
 12 criminal negligence

13 (1) allow another person to sell, barter, or give an alcoholic beverage  
 14 to a person under the age of 21 years within licensed premises;

15 (2) allow a person under the age of 21 years to enter and remain within  
 16 licensed premises except as provided in AS 04.16.049;

17 (3) allow a person under the age of 21 years to consume an alcoholic  
 18 beverage within licensed premises;

19 (4) allow a person under the age of 21 years to sell or serve alcoholic  
 20 beverages;

21 **(5) while working on licensed premises, furnish or deliver alcoholic**  
 22 **beverages to a person under the age of 21 years.**

23 \* **Sec. 3.** AS 04.16.200(e) is amended to read:

24 (e) A person who sends, transports, or brings alcoholic beverages into a  
 25 municipality or established village in violation of AS 04.11.499(a) is, upon conviction,

26 (1) **except as provided in (3) of this subsection,** guilty of a class A  
 27 misdemeanor if the quantity of alcoholic beverages is less than **five** [10] and one-half  
 28 liters of distilled spirits, **12** [24] liters of wine, or **six** [12] gallons of malt beverages;  
 29 [OR]

30 (2) guilty of a class C felony if the quantity of alcoholic beverages is

1 five [10] and one-half liters or more of distilled spirits, 12 [24] liters or more of wine,  
2 or six [12] gallons or more of malt beverages; or

3 (3) guilty of a class C felony if the quantity of alcoholic beverages  
4 is less than five and one-half liters of distilled spirits, 12 liters of wine, or six  
5 gallons of malt beverages and the person has been previously convicted under  
6 this subsection or (b) of this section two or more times within 15 years of the date  
7 of the present offense.

8 \* **Sec. 4.** AS 04.16.200 is amended by adding new subsections to read:

9 (g) Upon conviction of a class A misdemeanor under (e)(1) of this section, the  
10 court

11 (1) shall impose a minimum sentence of imprisonment of

12 (A) not less than 72 consecutive hours and a fine of not less  
13 than \$1,500 if the person has not been previously convicted;

14 (B) not less than 20 days and a fine of not less than \$10,000 if  
15 the person has been previously convicted once;

16 (C) not less than 60 days and a fine of not less than \$10,000 if  
17 the person has been previously convicted twice and is not subject to  
18 punishment under (h) of this section;

19 (D) not less than 120 days and a fine of not less than \$10,000 if  
20 the person has been previously convicted three times and is not subject to  
21 punishment under (h) of this section;

22 (E) not less than 240 days and a fine of not less than \$10,000 if  
23 the person has been previously convicted four times and is not subject to  
24 punishment under (h) of this section;

25 (F) not less than 360 days and a fine of not less than \$10,000 if  
26 the person has been previously convicted more than four times and is not  
27 subject to punishment under (h) of this section;

28 (2) may not

29 (A) suspend execution of sentence or grant probation except on  
30 the condition that the person

31 (i) serve the minimum imprisonment under (1) of this

1 subsection; and  
2 (ii) pay the minimum fine required under (1) of this  
3 subsection; or  
4 (B) suspend imposition of sentence.

5 (h) Upon conviction of a class C felony under (b) or (e)(2) or (3) of this  
6 section, the court  
7 (1) shall impose a fine of not less than \$10,000 and a minimum  
8 sentence of imprisonment of  
9 (A) 120 days if the person has been previously convicted once;  
10 (B) 240 days if the person has been previously convicted two  
11 times;  
12 (C) 360 days if the person has been previously convicted three  
13 or more times;  
14 (2) may not  
15 (A) suspend execution of sentence or grant probation except on  
16 the condition that the person  
17 (i) serve the minimum imprisonment under (1) of this  
18 subsection; and  
19 (ii) pay the minimum fine required under (1) of this  
20 subsection; or  
21 (B) suspend imposition of sentence.

22 (i) In (g) of this section, "previously convicted" means having been convicted,  
23 within the 10 years preceding the date of the present offense, of an offense under (b)  
24 or (e) of this section or a law or ordinance of another jurisdiction having elements  
25 similar to those offenses.

26 (j) In (h) of this section, "previously convicted" means having been convicted,  
27 within the 10 years preceding the date of the present offense, of a felony offense under  
28 (b) or (e) of this section or a law or ordinance of another jurisdiction having elements  
29 similar to those felony offenses.

30 (k) The court shall consider the date of a previous conviction as occurring on  
31 the date that sentence is imposed for the prior offense.

1 \* **Sec. 5.** AS 08.76.010 is amended by adding a new subsection to read:

2 (b) A person who lends money on secondhand articles under (a) of this section  
3 and is located in a municipality that has a population of over 5,000 shall also maintain  
4 an electronic record that provides the information required by (a)(1) and (4) of this  
5 section for the secondhand articles on which the person lends money. The person shall  
6 submit the electronic record as required by the municipal law enforcement agency.

7 \* **Sec. 6.** AS 08.76.020 is amended to read:

8 **Sec. 08.76.020. Manner of recording entry.** The entries **in the book and the**  
9 **electronic record required by AS 08.76.010** shall appear in chronological order **and,**  
10 **when made in a book,** in ink or indelible pencil. Blank lines may not be left between  
11 entries. Obliterations, alterations, or erasures may not be made. Corrections shall be  
12 made by drawing a line [IN INK] through the entry without destroying its legibility,  
13 **and, when made in a book, the line shall be drawn in ink.** The book shall be open  
14 to the inspection of a peace officer at reasonable times.

15 \* **Sec. 7.** AS 11.46.230(a) is amended to read:

16 (a) In a civil or criminal action upon the complaint of a person who has been  
17 detained in or in the immediate vicinity of a commercial establishment for the purpose  
18 of investigation or questioning as to the ownership of merchandise, it is a defense that

19 (1) the person was detained in a reasonable manner and for not more  
20 than a reasonable time to permit investigation or questioning by a peace officer or by  
21 the owner of the commercial establishment or the owner's agent; and

22 (2) the peace officer, owner, or owner's agent had probable cause to  
23 believe that the person detained was committing or attempting to commit concealment  
24 of merchandise **or theft from the commercial establishment.**

25 \* **Sec. 8.** AS 11.46.295 is amended to read:

26 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
27 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
28 11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under  
29 AS 11.46.220(c), a conviction for an offense under another law or ordinance with  
30 similar elements is a conviction of an offense having elements similar to those of an  
31 offense defined as such under Alaska law at the time the offense was committed. **The**

1 **court shall consider the date of a prior conviction as occurring on the date that**  
 2 **sentence is imposed for the prior offense.**

3 \* **Sec. 9.** AS 11.46.410(a) is amended to read:

4 (a) A person commits the crime of arson in the second degree if the person  
 5 **knowingly** [INTENTIONALLY] damages a building by starting a fire or causing an  
 6 explosion.

7 \* **Sec. 10.** AS 11.46 is amended by adding a new section to read:

8 **Sec. 11.46.427. Criminally negligent burning in the first degree.** (a) A  
 9 person commits the crime of criminally negligent burning in the first degree if the  
 10 person

11 (1) violates AS 11.46.430; and

12 (2) within the preceding 10 years, has been convicted on two separate  
 13 occasions of violating AS 11.46.400 - 11.46.430 or AS 41.15.150 or a law or  
 14 ordinance of this or another jurisdiction with elements similar to those offenses.

15 (b) Criminally negligent burning in the first degree is a class C felony.

16 \* **Sec. 11.** AS 11.46.430 is amended to read:

17 **Sec. 11.46.430. Criminally negligent burning in the second degree.** (a) A  
 18 person commits the crime of criminally negligent burning **in the second degree** if  
 19 with criminal negligence the person damages property of another by fire or explosion.

20 (b) Criminally negligent burning **in the second degree** is a class A  
 21 misdemeanor.

22 \* **Sec. 12.** AS 11.71.170(b) is amended by adding new paragraphs to read:

23 (30) carisprodol;

24 (31) zolpidem;

25 (32) zopiclone.

26 \* **Sec. 13.** AS 12.35.010(a) is amended to read:

27 (a) A judicial officer may issue a search warrant upon a showing of probable  
 28 cause, supported by oath or affirmation, and particularly describing the place to be  
 29 searched and the thing to be seized. **The court may issue a search warrant for a**  
 30 **place or property located either in the state or outside the state.**

31 \* **Sec. 14.** AS 12.35.015(a) is amended to read:

1 (a) A judicial officer may issue a search warrant upon the sworn oral  
 2 testimony of a person communicated by telephone or other appropriate means, or  
 3 sworn affidavit transmitted by facsimile machine [, IF THE JUDICIAL OFFICER  
 4 FINDS THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT

5 (1) THE PRESENTATION OF THE APPLICANT'S AFFIDAVIT OR  
 6 TESTIMONY PERSONALLY BEFORE THE JUDICIAL OFFICER WOULD  
 7 RESULT IN A DELAY IN OBTAINING OR EXECUTING A SEARCH  
 8 WARRANT; AND

9 (2) THE DELAY MIGHT RESULT IN LOSS OR DESTRUCTION  
 10 OF THE EVIDENCE SUBJECT TO SEIZURE OR MIGHT INTERFERE WITH AN  
 11 ONGOING INVESTIGATION].

12 \* **Sec. 15.** AS 12.47.110(a) is amended to read:

13 (a) When the trial court determines by a preponderance of the evidence, in  
 14 accordance with AS 12.47.100, that a defendant is so incompetent that the defendant is  
 15 unable to understand the proceedings against the defendant or to assist in the  
 16 defendant's own defense, the court shall order the proceedings stayed, except as  
 17 provided in (d) of this section shall, [AND MAY] commit a [THE] defendant  
 18 charged with a felony and may commit a defendant charged with any other crime  
 19 to the custody of the commissioner of health and social services or the commissioner's  
 20 authorized representative for further evaluation and treatment until the defendant is  
 21 mentally competent to stand trial, or until the pending charges against the defendant  
 22 are disposed of according to law, but in no event longer than 90 days.

23 \* **Sec. 16.** AS 12.47.110(b) is amended to read:

24 (b) On or before the expiration of the initial 90-day period of commitment, the  
 25 court shall conduct a hearing to determine whether or not the defendant remains  
 26 incompetent. If the court finds by a preponderance of the evidence that the defendant  
 27 remains incompetent, the court may recommit the defendant for a second period of 90  
 28 days. The court shall determine at the expiration of the second 90-day period whether  
 29 the defendant has become competent. If, at the expiration of the second 90-day period,  
 30 the court determines that the defendant continues to be incompetent to stand trial, the  
 31 charges against the defendant shall be dismissed without prejudice, and continued

1 commitment of the defendant shall be governed by the provisions relating to civil  
 2 commitments under AS 47.30.700 - 47.30.915 unless the defendant is charged with a  
 3 crime involving force against a person and the court finds that the defendant presents a  
 4 substantial danger of physical injury to other persons and that there is a substantial  
 5 probability that the defendant will regain competency within a reasonable period of  
 6 time, in which case the court may extend the period of commitment for an additional  
 7 six months. If the defendant remains incompetent at the expiration of the additional  
 8 six-month period, the charges shall be dismissed without prejudice, and **continued**  
 9 **[EITHER CIVIL]** commitment proceedings shall be **governed by the provisions**  
 10 **relating to civil commitment under AS 47.30.700 - 47.30.915** [INSTITUTED OR  
 11 THE COURT SHALL ORDER THE RELEASE OF THE DEFENDANT]. If the  
 12 defendant remains incompetent for five years after the charges have been dismissed  
 13 under this subsection, the defendant may not be charged again for an offense arising  
 14 out of the facts alleged in the original charges, except if the original charge is a class A  
 15 felony or unclassified felony.

16 \* **Sec. 17.** AS 12.47.110 is amended by adding a new subsection to read:

17 (e) A defendant charged with a felony and found to be incompetent to proceed  
 18 under this section is rebuttably presumed to be mentally ill and to present a likelihood  
 19 of serious harm to self or others in proceedings under AS 47.30.700 - 47.30.915. In  
 20 evaluating whether a defendant is likely to cause serious harm, the court may consider  
 21 as recent behavior the conduct with which the defendant was originally charged.

22 \* **Sec. 18.** AS 12.55.090(a) is amended to read:

23 (a) Probation may be granted whether the **offense under AS 11 or AS 16 or**  
 24 **the** crime is punishable by fine or imprisonment or both. If **an offense under AS 11**  
 25 **or AS 16 or** a crime is punishable by both fine and imprisonment, the court may  
 26 impose a fine and place the defendant on probation as to imprisonment. Probation may  
 27 be limited to one or more counts or indictments, but, in the absence of express  
 28 limitation, shall extend to the entire sentence and judgment.

29 \* **Sec. 19.** AS 12.55.155(c)(8) is amended to read:

30 (8) the defendant's prior criminal history includes conduct involving  
 31 aggravated **assaultive behavior** or repeated instances of assaultive behavior; **in this**

1 **paragraph, "aggravated assaultive behavior" means assault that is a felony**  
 2 **under AS 11.41, or a similar provision in another jurisdiction;**

3 \* **Sec. 20.** AS 12.55.155(f) is amended to read:

4 (f) If the state seeks to establish a factor in aggravation at sentencing

5 (1) under (c)(7), (8), (12), (15), **(18)(B)**, (19), (20), (21), or (31) of this  
 6 section, or if the defendant seeks to establish a factor in mitigation at sentencing,  
 7 written notice must be served on the opposing party and filed with the court not later  
 8 than 10 days before the date set for imposition of sentence; the factors in aggravation  
 9 listed in this paragraph and factors in mitigation must be established by clear and  
 10 convincing evidence before the court sitting without a jury; all findings must be set out  
 11 with specificity;

12 (2) other than one listed in (1) of this subsection, the factor shall be  
 13 presented to a trial jury under procedures set by the court, unless the defendant waives  
 14 trial by jury, stipulates to the existence of the factor, or consents to have the factor  
 15 proven under procedures set out in (1) of this subsection; a factor in aggravation  
 16 presented to a jury is established if proved beyond a reasonable doubt; written notice  
 17 of the intent to establish a factor in aggravation must be served on the defendant and  
 18 filed with the court

19 (A) 20 days before trial, or at another time specified by the  
 20 court;

21 (B) within 48 hours, or at a time specified by the court, if the  
 22 court instructs the jury about the option to return a verdict for a lesser included  
 23 offense; or

24 (C) five days before entering a plea that results in a finding of  
 25 guilt, or at another time specified by the court.

26 \* **Sec. 21.** AS 12.70.280(2) is amended to read:

27 (2) "governor" includes

28 **(A)** a person performing the functions of governor by authority  
 29 of the law of this state; **and**

30 **(B) the lieutenant governor or the head of a principal**  
 31 **department in the executive branch appointed by the governor to act on**

1 behalf of the governor in performing extradition duties under this  
 2 chapter; the appointment shall be in writing and filed with the lieutenant  
 3 governor;

4 \* **Sec. 22.** AS 12.72.020(a) is amended to read:

5 (a) A claim may not be brought under AS 12.72.010 or the Alaska Rules of  
 6 Criminal Procedure if

7 (1) the claim is based on the admission or exclusion of evidence at trial  
 8 or on the ground that the sentence is excessive;

9 (2) the claim was, or could have been but was not, raised in a direct  
 10 appeal from the proceeding that resulted in the conviction;

11 (3) the later of the following dates has passed, except that if the  
 12 applicant claims that the sentence was illegal there is no time limit on the claim:

13 (A) if the claim relates to a conviction, one year [TWO  
 14 YEARS] after the entry of the judgment of the conviction or, if the conviction  
 15 was appealed, one year after the court's decision is final under the Alaska  
 16 Rules of Appellate Procedure;

17 (B) if the claim relates to a court revocation of probation, one  
 18 year [TWO YEARS] after the entry of the court order revoking probation or, if  
 19 the order revoking probation was appealed, one year after the court's decision  
 20 is final under the Alaska Rules of Appellate Procedure;

21 (4) one year or more has elapsed from the final administrative decision  
 22 of the Board of Parole or the Department of Corrections that is being collaterally  
 23 attacked;

24 (5) the claim was decided on its merits or on procedural grounds in any  
 25 previous proceeding; or

26 (6) a previous application for post-conviction relief has been filed  
 27 under this chapter or under the Alaska Rules of Criminal Procedure.

28 \* **Sec. 23.** AS 12.72.020(b) is amended to read:

29 (b) Notwithstanding (a)(3) and (4) of this section, a court may hear a claim

30 (1) if the applicant establishes due diligence in presenting the claim  
 31 and sets out facts supported by admissible evidence establishing that the applicant

1 (A) suffered from a physical disability or from a mental disease  
2 or defect that precluded the timely assertion of the claim; or

3 (B) was physically prevented by an agent of the state from  
4 filing a timely claim;

5 (2) based on newly discovered evidence if the applicant establishes due  
6 diligence in presenting the claim and sets out facts supported by evidence that is  
7 admissible and

8 (A) was not known within

9 (i) one year [TWO YEARS] after entry of the judgment  
10 of conviction if the claim relates to a conviction;

11 (ii) one year [TWO YEARS] after entry of a court  
12 order revoking probation if the claim relates to a court's revocation of  
13 probation; or

14 (iii) one year after an administrative decision of the  
15 Board of Parole or the Department of Corrections is final if the claim  
16 relates to the administrative decision;

17 (B) is not cumulative to the evidence presented at trial;

18 (C) is not impeachment evidence; and

19 (D) establishes by clear and convincing evidence that the  
20 applicant is innocent.

21 \* **Sec. 24.** AS 12.72.020 is amended by adding a new subsection to read:

22 (d) The court may not consider a substantive claim in an application brought  
23 under AS 12.72.010 or the Alaska Rules of Criminal Procedure until the court has first  
24 determined that

25 (1) the application is timely; and

26 (2) except for an application described in AS 12.72.025 or allowed  
27 under (c) of this section, no previous application has been filed.

28 \* **Sec. 25.** AS 16.05.925(b) is amended to read:

29 (b) In addition to a penalty imposed under (a) of this section or any other  
30 penalty for violation of this title or a regulation adopted under this title, a person  
31 who is convicted of unlawfully taking an animal listed in this subsection may be

1 ordered by the court to pay restitution to the state in the amount set out in this  
 2 subsection for each animal unlawfully taken:

- 3 (1) Bear, black ..... \$ 600
- 4 (2) Bear, brown or grizzly ..... 1,300
- 5 (3) Bison ..... 1,300
- 6 (4) Caribou ..... 850
- 7 (5) Deer ..... 400
- 8 (6) Elk ..... 800
- 9 (7) Goat ..... 800
- 10 (8) Moose ..... 1,000
- 11 (9) Musk oxen ..... 3,000
- 12 (10) Sheep ..... 1,100
- 13 (11) Wolf ..... 500
- 14 (12) Wolverine ..... 500.

15 \* **Sec. 26.** AS 28.15.191(a) is amended to read:

16 (a) A court that convicts a person of an offense under this title or a regulation  
 17 adopted under this title, or another law or regulation of this state [,] or a municipal  
 18 ordinance that regulates the driving of vehicles, **or a violation of AS 04.16.050** shall  
 19 forward a record of the conviction to the department within five working days. A  
 20 conviction of a standing or parking offense need not be reported.

21 \* **Sec. 27.** AS 28.35.028(a) is amended to read:

22 (a) Notwithstanding another provision of law, with the consent of the state and  
 23 the defendant, the court may elect to proceed in a criminal case under **AS 04.16.200(b)**  
 24 **or (e)**, AS 28.35.030, or 28.35.032, including the case of a defendant charged with  
 25 violating the terms of probation, under the procedure provided in this section and  
 26 order the defendant to complete a court-ordered treatment program. The state may not  
 27 consent to a referral under this subsection unless the state has consulted with the  
 28 victim and explained the process and consequences of the referral to the victim. A  
 29 court may not elect to proceed under this section if the defendant has previously  
 30 participated in a court-ordered treatment program under this section two or more  
 31 times.

1 \* **Sec. 28.** AS 47.30.780 is amended to read:

2           **Sec. 47.30.780. Early discharge.** Except as provided in (b) of this section,  
 3 the [THE] professional person in charge shall at any time discharge a respondent on  
 4 the ground that the respondent is no longer gravely disabled or likely to cause serious  
 5 harm as a result of mental illness. A certificate to this effect shall be sent to the court,  
 6 which shall enter an order officially terminating the involuntary commitment.

7 \* **Sec. 29.** AS 47.30.780 is amended to add a new subsection to read:

8           (b) The professional person in charge shall give the prosecuting authority 10  
 9 days' notice before discharging a respondent who was committed after having been  
 10 found incompetent to proceed under AS 12.47.110.

11 \* **Sec. 30.** The uncodified law of the State of Alaska enacted in sec. 36(c), ch. 24, SLA  
 12 2007, is amended to read:

13           (c) AS 12.72.025, enacted by sec. 25, ch. 24, SLA 2007 [OF THIS ACT],  
 14 applies to offenses committed before, on, or after the effective date of sec. 25, ch. 24,  
 15 SLA 2007 [OF THIS ACT]. A person whose application for post-conviction relief was  
 16 denied before the effective date of sec. 25, ch. 24, SLA 2007 [OF THIS ACT] has  
 17 until July 1, 2008, to file a claim described in AS 12.72.025. This subsection does not  
 18 authorize filing a claim under AS 12.72 or the Alaska Rules of Criminal  
 19 Procedure that is not otherwise available under AS 12.72, the Alaska Rules of  
 20 Criminal Procedure, or other provision of law.

21 \* **Sec. 31.** AS 12.35.015(f) is repealed.

22 \* **Sec. 32.** AS 11.71.310 and AS 12.20.010 are repealed.

23 \* **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to  
 24 read:

25           DIRECT COURT RULE AMENDMENT. Rule 37(b), Alaska Rules of  
 26 Criminal Procedure, is amended to read:

27           (b) **Execution and Return with Inventory.** The warrant shall be executed  
 28 and returned within 30 [10] days after its date of issuance. However, upon sworn  
 29 application made before the expiration of the initial 30 [10] day period or any  
 30 subsequent extension, the court may for good cause extend the execution period for a  
 31 reasonable time not to exceed 30 [10] days. Good cause includes protecting the

1        **confidentiality of an ongoing investigation and protecting a person working with**  
 2        **law enforcement authorities on an investigation.** The officer taking property under  
 3        the warrant

4                    (1) shall give to the person from whom or from whose premises the  
 5        property was taken a copy of the warrant, a copy of the supporting affidavits, and  
 6        receipt for the property taken, or

7                    (2) shall leave the copies and the receipt at the place from which the  
 8        property was taken.

9                    The return shall be made promptly and shall be accompanied by a  
 10       written inventory of any property taken as a result of the search pursuant to or in  
 11       conjunction with the warrant. The inventory shall be made in the presence of the  
 12       applicant for the warrant and the person from whose possession or premises the  
 13       property was taken, if they are present, or in the presence of at least one credible  
 14       person other than the applicant for the warrant or the person from whose possession or  
 15       premises the property was taken, and shall be signed by the officer under the penalty  
 16       of perjury pursuant to AS 09.63.020 or sworn to in front of a magistrate or judge, or a  
 17       notary public. The magistrate or judge or the court to which the return is made shall  
 18       upon request deliver a copy of the inventory to the person from whom or from whose  
 19       premises the property was taken and to the applicant for the warrant.

20        \* **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to  
 21        read:

22                    **INDIRECT COURT RULE AMENDMENT.** The provisions of AS 12.72.020(a) and  
 23        (b), as amended by secs. 22 and 23 of this Act, and the provisions of AS 12.72.020(d), as  
 24        added by sec. 24 of this Act, have the effect of amending Rule 35.1, Alaska Rule of Criminal  
 25        Procedure, by restricting the authority of a court to hear certain applications, claims, or  
 26        proceedings for post-conviction relief and by prescribing a procedure for a court to determine  
 27        if an application, claim, or proceeding may be considered.

28        \* **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to  
 29        read:

30                    **APPLICABILITY.** (a) Sections 1 - 4, 9, 12, 18 - 20, 25 - 27, and 32 of this Act apply  
 31        to an offense occurring on or after the effective date of this section. References to previous

1 convictions in secs. 3 and 4 of this Act apply to convictions occurring before, on, or after the  
2 effective date of those sections.

3 (b) Section 8 of this Act applies to an offense occurring before, on, or after the  
4 effective date of this section.

5 (c) Sections 13, 14, 31, and 33 of this Act apply to search warrants applied for on or  
6 after the effective date of this section, regardless of whether the offense occurred before, on,  
7 or after the effective date of this section.

8 (d) Sections 15 - 17, 28, and 29 of this Act apply to procedures occurring after the  
9 effective date of this section, regardless of whether the offense occurred before, on, or after  
10 the effective date of this section.

11 (e) Section 21 of this Act applies to applications for criminal extraditions submitted  
12 on or after the effective date of this section, regardless of whether the offense occurred before,  
13 on, or after the effective date of this section.

14 (f) Section 7 of this Act applies to offenses occurring and actions arising on or after  
15 the effective date of this section.

16 (g) Sections 22 - 24 and 34 of this Act apply to applications submitted on or after the  
17 effective date of this section.

18 \* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 **RETROACTIVITY.** Section 30 of this Act is retroactive to July 1, 2007.

21 \* **Sec. 37.** Sections 30 and 36 of this Act take effect immediately under AS 01.10.070(c).

22 \* **Sec. 38.** Except as provided in sec. 37 of this Act, this Act takes effect July 1, 2008.